

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,	:
Respondent	:
v.	: Case No. 3:10-cv-211-KRG-KAP
ERIK A. LYBARGER,	: (related to 3:95-cr-21-KRG)
Petitioner	:

MEMORANDUM ORDER

This matter was referred to Magistrate Judge Keith A. Pesto for proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and subsections 3 and 4 of Local Rule 72.1 for Magistrate Judges.

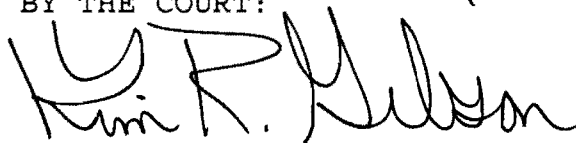
The Magistrate Judge filed a Report and Recommendation on September 22, 2010, docket no. 3, recommending that the petitioner's motion be dismissed as moot. The petitioner was notified that pursuant to 28 U.S.C. § 636(b)(1), he had fourteen days to file written objections to the Report and Recommendation. Petitioner has not filed objections, and the time to do so has expired.

After review of the record of this matter together with the Report and Recommendation and noting the lack of objections thereto, the following order is entered:

AND NOW, this 12th day of October, 2010, it is

ORDERED that the petitioner's motion, docket no. 1, is dismissed as moot. The Report and Recommendation is adopted as the opinion of the Court. The Clerk shall mark this matter closed.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

KIM R. GIBSON,
UNITED STATES DISTRICT JUDGE

Notice by U.S. Mail to:

Erik A. Lybarger, Reg. No. 10902-068
c/o Renewal Resident Mail
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Pittsburgh PA 15230